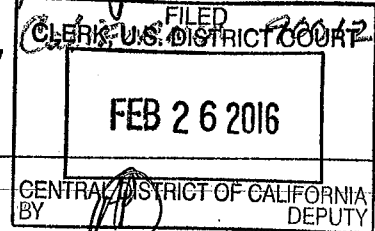


ROBERTO ENRIQUE Fontes
 FULL NAME
 Cell # 11d8 Inmate # 1308340722
 COMMITTED NAME (if different)
 West Valley Detention Center
 FULL ADDRESS INCLUDING NAME OF INSTITUTION
 9500 ETIWANDA Ave
 Rancho Cucamonga, Ca 91739
 PRISON NUMBER (if applicable)
 1308340722

TO ATTENTION: Pro Se Clerk and
 Honorable Magistrate Judge
 United States District Court
 Central District of California
 312 North Spring Street, Room G-8
 Los Angeles, CA 90012



UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

ROBERTO ENRIQUE Fontes

CASE NUMBER

EDCV 16-00347-JGB(FFM)

To be supplied by the Clerk

PLAINTIFF,

SAN Bernardino County SHERIFFS Dept.
 West Valley Detention Center, AND
 SHERIFF DEPUTIES,

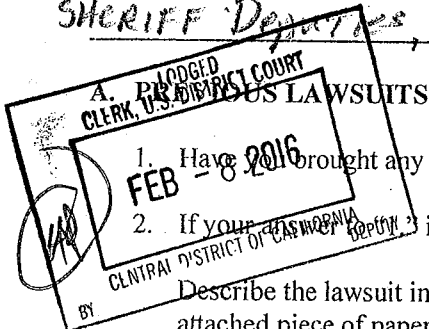
DEFENDANT(S).

CIVIL RIGHTS COMPLAINT

PURSUANT TO (Check one)

☒ 42 U.S.C. § 1983

☐ Bivens v. Six Unknown Agents 403 U.S. 388 (1971)



1. Have you brought any other lawsuits in a federal court while a prisoner: ☒ Yes ☐ No

2. If your answer to question 1 is yes, how many? one lawsuit, enclosed with THIS one.

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.)

Lawsuit #1 THIS Lawsuit is in regards to Sexual Abuse Misconduct By a SAN Bernardino County SHERIFF Deputy. FIRST AND FOREMOST THE deputy was Holding on to my Testicles AND penis FOR over 10 seconds while patting me down and Searching Me on December 21, 2014. My Cellmate Chuck Pennington was Witness AND Had THE SAME THING Happen to Him. Under Color OF THE law THIS was Inappropriate professional behavior OF THE SHERIFF Deputy. I Also Told Deputy Vigil WHAT I Had Happened THE Following day and SHOWED Him the Grievance. I Have BEEN Kind OF IN Fear Following THROUGH WITH THIS Lawsuit do TO THE FACT OF ANY Type OF Retaliation OF THE SAN Bernardino County SHERIFFS Department. TILL THIS day IT STILL BOTHERS Me THINKING about it Being physically and emotionally Violated. Also phone Conversation Between Me and FATHER (Ed Fontes) was recorded ON THE 22nd OF December 2014 OF WHAT Happened During THE Sexual Misconduct. During THE SHAKEDOWN THERE should Be a Video Recording OF THE incident. Another Deputy Had a Video Camera.

Continued From Page ①

I Feel THAT John McMahon Commander in Chief should be Held liable along with The San Bernardino County SHERIFF Department, West Valley Detention Center and SHERIFF Deputy. FIRST For Being Sexually Violated physically and Emotionally. Second For NOT Following proper procedures while searching or patting down an inmate, THIRD For COMMANDER, CAPTAINS, Sargeants, and Deputies NOT Implementing proper behavioral conduct while Training or Screening of Individuals THAT are employed, which MAKES THE individual OR official Capacity liable, I do NOT want to disclose the deputy For Fear of Retaliation The Video Camera, Phone Conversation with Ed Fontes and I, AND my Witness Chuck Pennington CAN Be Summoned For Factual proof. I would ASK THE Federal Judge and the United States District Court, Central District of California to provide Counsel and Investigator to Help me (Roberto E Fontes) Follow THROUGH with THIS lawsuit, Also to Help me with any Concerns Regarding Being Sexually Violated OR Any Retaliation From Deputy. Also unreasonable Search and Seizure Falls Under Fourth Amendment. Dear Honorable Magistrate Judge, Here are Letters AND INFORMATION THAT pertains to my Medical Claim and Civil Rights Claim (sexual Abuse.)

Dear, Honorable Magistrate Judge and Pro Se Clerk 12/24/2015

Hi my name is Roberto Enrique Fontes and I pray this letter reaches you in the Best of Health and spirits. The reason I am filing both these lawsuits is due to the fact that there has been some serious issues relating to my incarceration at first I felt that things would get better, but only got worse. somehow life has a way of becoming a roller coaster not knowing the future. My whole life I've seen the Bad and Good in all areas and lived overseas in South America and the Caribbean and in several other states. Served in the United States Marine Corps and a son of a Special Forces Green Beret for 30 years (ED Fontes/Father). So, pretty much I know the difference between right and wrong, but somehow find myself in a period of correction and rehabilitation both physically and spiritually. I'm convinced that God has a plan for everyone. I have three young adults in their 20's and two Grandkids. I just ask that you consider my 2 claims (medical and sexual abuse.) I feel that these are serious issues that linger on my mind and future. Can you please help me with an attorney/counsel. Because there are other related issues I need to talk about, But don't know where to turn to! (due to fear.) I pray you would help me in this matter and weigh the scales of

Justice accordingly. I am not on this Earth to become a rich man, because we can't take it with us when we die. But there are some serious problems that are going on in this Facility / County, which need to be corrected. Thank you for your concern, time and patience!

God Bless, Sincerely

Psalm 121

Roberto E. Santos

11d8 1308340722

W.V.D.C

9500 Etiwanda Ave

Rancho Cucamonga, CA
91739.

P.S. There are 3 copies of the Medical Claim
There are 3 copies of the Sexual claim.
There are 3 copies of the Account statements
Request to proceed without prepayment of
Filing Fees with Declaration is Support.

* also I would like to have an appointment
of Counsel, under Forma pauperis provisions
(28 U.S.C.A sec. 1715(d), 69 A.L.R. Fed 666



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
DETENTION AND CORRECTIONS BUREAU**

- ☐ GHRC
☐ HDDC
☒ WVDC
☐ Type I
☐ Work Release

INMATE GRIEVANCE INVESTIGATION

Date February 13, 2015

Grievance # 1534G02114

Inmate's Name Fontes, Robert

Booking # 1308340722

Investigation Conducted By Lt. N. Wilterding

Employee # W0454

SUMMARY OF COMPLAINT AND FINDINGS

COMPLAINT: Fontes complained that at unknown deputy grabbed his genitals for five seconds while he was being searched during a shakedown. 16

FINDINGS: I spoke with Fontes about the incident that occurred on December 21, 2014. Fontes told me he did not know the name of the deputy that searched him, but described him as a large white male. Fontes described a similar incident that occurred previously with a different deputy. I told Fontes that deputies are trained to search inmates thoroughly and that can include the genital region, but Fontes thought the search was out of context.

I also spoke with Fontes about why he did not turn in the grievance until February 8, 2015. He said he didn't turn it in until recently because he wasn't sure he wanted to file it or not. *due to Retaliation of certain staff. I mentioned and showed my Grievance to Deputy Vigil before submitting it.*
DISPOSITION: The grievance is being returned to the inmate unanswered due to not being submitted in a timely manner per facility rules and regulations regarding the grievance process. *There are NO Instructions on grievance policies only a pamphlet. No info. also Sexual Harassment has No UTIME LIMIT TO FILE, says THAT ON THE grievance FORM.*
ACTION TAKEN

* *Grievance Form Says There are NO TIME limit in Filing a Sexual assault or Abuse Case. In which THIS IS my Situation.*

INMATE COPY PLEASE DELIVER

Reviewed By CHRIS FISHER
 Duty Lieutenant

Approved By [Signature]
 Facility Administrator

Written reply given to inmate on 2-20-15 At 1:23 By PETERSON
 Date Time Print Name

This complaint has been discussed with me and I have been advised of the findings.

Inmate Signature _____

Date _____

☐ Original: Inmate's Booking Jacket

☐ Copy: Inmate

☐ Copy: Administration

Sexual Harassment? Sexual abuse? Sexual assault?



PRISON LAW OFFICE

General Delivery, San Quentin, CA 94964-0001
Telephone (510) 280-2621 • Fax (510) 280-2704
www.prisonlaw.com

Director:
Donald Specter

Managing Attorney:
Sara Norman

Staff Attorneys:
Rana Anabtawi
Rebekah Evenson
Steven Fama
Penny Godbold
Alison Hardy
Corene Kendrick
Kelly Knapp
Millard Murphy
Lynn Wu

3/5/2015

Roberto Fontes, 1308340722
San Bernardino
9500 Etiwanda Ave
Rancho Cucamonga, CA 91739

Dear Mr. Fontes:

We hope this letter finds you well. Thank you for taking the time to speak with attorney Rana Anabtawi on 2/26/15 regarding your concerns at San Bernardino County Jail. The information you provided will help us as we continue to monitor conditions at the Jail.

At this time, our office is trying to negotiate an agreement with County officials to fix the problems we have found at the Jail in the areas of medical, mental health, and dental care; disability discrimination; use of force; and prisoner safety. As part of these negotiations, we met with the County's attorney on 2/27/15. During the meeting, we discussed the type of problems you and other inmates reported during our interviews on 2/26/15. The County's attorney agreed that many of the inmates' allegations are concerning, and should be explored further. We will continue to meet with County officials about possible solutions to the problems. Unfortunately, this process will move slowly because the problems are complicated, and we need to build a relationship of mutual trust with the County in order to be able to negotiate effectively. That being said, we believe this negotiation process will result in faster and better solutions than if we sued the County and relied solely on the Court to make certain orders.

Please keep us updated regarding any concerns you have at the Jail. Additionally, please write to us if you experience any retaliation as a result of speaking with us on 2/26/15. If you do experience retaliation, please give us as many details as you can regarding the retaliation (e.g., dates, times, names, locations, etc.), and why you feel these actions were retaliatory.

Additionally, we enclose information regarding Graves' Disease and colon cancer, per your request. We hope you find it helpful.

We wish you the best. Take care.

Sincerely,

Viviana Arcia
Litigation Assistant under Rana Anabtawi

Enclosures: SASE; Information on Graves' Disease, Colon Cancer

Board of Directors

Penelope Cooper, President • Michele WalkinHawk, Vice President • Marshall Krause, Treasurer
Christiane Hipps • Margaret Johns
Cesar Lagleva • Laura Magnani • Michael Marcum • Ruth Morgan • Dennis Roberts



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San Bernardino Case Update (November 2015)

Dear Sir or Madam:

The Prison Law Office is a non-profit law office representing adults and juveniles in California in cases about prison and jail conditions. Over the last several months, we have looked at conditions in the San Bernardino Jails. We found problems with medical care, mental health care, dental care, disability accommodations, use of force, and inmate-on-inmate violence.

We have been meeting with the Sheriff and County officials about the problems we found. We told them that they could agree to work with us to fix the problems, or we would file a class action lawsuit. The Sheriff and County officials have agreed to work with us to fix the problems we identified, and we are in the process of negotiating a written agreement to fix those problems. We have recently made good progress in these negotiations. However, if the County will not sign a written agreement that is acceptable to us, we will go to court about the problems. If the County signs the agreement, and then does not follow it, we will also go to court about the problems. We are hopeful that the problems will be fixed much faster through this process than if we spent several years in court fighting against the County. We are sending you an article from The Sun that explains a little bit more about the negotiations.

We are not representing inmates in a class action lawsuit about waist chains.

We are sorry that we do not have the resources to represent you in an individual lawsuit or to help you with your individual problem. We urge you to turn in a grievance to try to fix any problems you are having. To preserve your right to file a lawsuit in court in the future, you must turn in a grievance. Please be sure to keep copies of your grievances and any responses. Please also make sure you go through all three levels of the grievance process and receive a response from the Facility Commander.

We are also sorry that we do not know any attorneys who will take your individual case. If you would like self-help information about how to file a lawsuit on your own, please write back to us and ask for that information.

Sincerely,

Kelly Knapp

Encl: 10/13/14 News Article

Board of Directors
Penelope Cooper, President • Michele WalkinHawk, Vice President
Marshall Krause, Treasurer • Christiane Hipps • Margaret Johns
Cesar Lagleva • Laura Magnani • Michael Marcum • Ruth Morgan • Dennis Roberts

A prisoner rights nonprofit and San Bernardino County are working on an agreement to ensure inmates at the West Valley Detention Center in Rancho Cucamonga and other county jails are receiving adequate medical treatment and are not being abused by deputies.

"What we're concerned about is certain conditions in the jails such as health care, and we're also concerned about excessive use of force on prisoners by jail staff," said Donald Specter, executive director of the Prison Law Office in Berkeley, which provides free legal services to state prisoners and occasionally to parolees.

Last year, attorneys with the Prison Law Office filed a civil rights lawsuit against Riverside County, which was granted class-action status last month. The lawsuit alleges inadequate medical and mental health care in the county's five jails. A similar lawsuit was filed against Fresno County but was settled out of court.

Specter said he and attorneys from his office met with San Bernardino County Sheriff John McMahon and county Chief Executive Officer Greg Devereaux in late August at the West Valley Detention Center, which the FBI has been investigating since April after allegations surfaced that inmates were being physically assaulted and repeatedly stunned with Taser guns by deputies, according to inmates and lawsuits filed in federal court alleging civil rights violations against nearly a dozen inmates at the jail.

Three rookie deputies: Brock Teyechea, Andrew Cruz and Nicholas Oakley, were fired in the wake of the federal criminal investigation. They had all been out of the academy less than a year when the allegations surfaced.

"It's consistent with what we've been hearing," said Specter of the abuse allegations. "Dozens of prisoners have alleged they have been Tazed with little or no provocation,"

The two federal lawsuits have been stayed for six months so they don't interfere with the FBI investigation and so attorneys can negotiate settlements, according to online court records.

Advertisement

County CEO Greg Devereaux said the August meeting went well and everyone was "very cordial and respectful" on both sides.

"I think they were interested in seeing if we could work together to look at jail conditions and to see whether there were corrections or adjustments that needed to be made," Devereaux said. "I think the concerns they raised are ones that we too are concerned about, especially given the level of funding that we have in this county for mental health."

He said the county has been underfunded in the area of mental health since the 1991 realignment of the Health and Human Services system.

"We don't get as much per capita as other areas of the state, and we can certainly use more mental health funding in this county," Devereaux said.

Specter said his office has interviewed more than 700 inmates from San Bernardino County, and more than 100 of them have complained of deputies using excessive force.

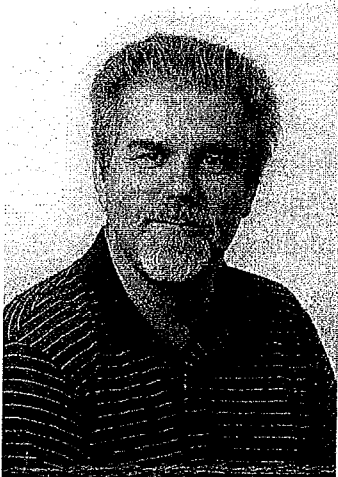
Case 5:14-cv-00347-JSB-FFM Document 1 Filed 02/26/16 Page 9 of 17 Page ID #:9

According to inmate interviews and claims filed with the county, grievance forms are routinely denied when requested, or, deputies will threaten inmates with retribution if they ask for a grievance form.

Sheriff John McMahon couldn't be reached for comment Monday, but has stood by his deputies and the activities at the jail. He said he was unaware of any pattern of inmate abuse, and said the recent allegations are isolated to a few deputies. He touted the medical treatment of inmates as first rate during a tour of the jail in May.

Devereaux said County Counsel has been tasked with drafting a memorandum of understanding with the Prison Law Office and will eventually contact attorneys at the organization to discuss it.

"The next step is to see if we can negotiate an agreement that is acceptable to both of us on how to proceed," Devereaux said.



Joe Nelson

Joe Nelson covers San Bernardino County for The Sun, Daily Bulletin and Redlands Daily Facts. Reach the author at joe.nelson@langnews.com or follow Joe on Twitter: @sbcountynow.

- Full bio and more articles by Joe Nelson
- Back to top

We return your original letter
And any docs we received.
No copies kept.

RECEIVED
SEP 09 2015
BY: [Signature]

Dear Rana or
Hi! m

We have been in Correspondence previously.
the reason I am writing is to ask for 2
packets to file Claims one is a Medical
Claim, the other is a civil Claim. can you
please send the appropriate documentation
to get started on the Claims. I think they
are call the Habeas Corpus? Anyhow, would
you happen to have the address to Janice
Belucci? can you please send it, and any
information regarding the 3 strike laws
and Motions and on crediting Half time, etc.
I highly appreciate your time.

Thank You.
God Bless!
Sincerely

P.S. Psalm 121

Robert Fontes
418 1308340722
WVDC
9500 E. Wanda Ave
Rancho Cucamonga, Ca
91739.

- a. Parties to this previous lawsuit:
Plaintiff ROBERTO ENRIQUE Fontes
- Defendants SAN BERNARDINO SHERIFFS DEPARTMENT AND SHERIFF Deputy, West Valley Detention Center, Commander John McMahon
- b. Court _____
- c. Docket or case number _____
- d. Name of judge to whom case was assigned _____
- e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) _____
- f. Issues raised: Sexual Misconduct of San Bernardino County Sheriff Deputy.
- g. Approximate date of filing lawsuit: December 7TH, 2015 12/7/2015
- h. Approximate date of disposition _____

B. EXHAUSTION OF ADMINISTRATIVE REMEDIES

1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred? ☒ Yes ☐ No
2. Have you filed a grievance concerning the facts relating to your current complaint? ☒ Yes ☐ No

If your answer is no, explain why not _____

3. Is the grievance procedure completed? ☐ Yes ☒ No

If your answer is no, explain why not I Filed other Grievances and did NOT Receive Anything Back.

4. Please attach copies of papers related to the grievance procedure.

C. JURISDICTION

This complaint alleges that the civil rights of plaintiff ROBERTO Enrique Fontes cell # 11d8 Inmate # 1308340722
(print plaintiff's name)

who presently resides at West Valley Detention Center 9500 ETOWANDA AVE, CUCAMONGA, Ca
(mailing address or place of confinement)

were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at West Valley Detention Center, Rancho Cucamonga, CA
(institution/city where violation occurred)

on (date or dates) December 21, 2015
 (Claim I) (Claim II) (Claim III)

NOTE: You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

1. Defendant West Valley Detention Center SAN Bernardino County
SHERIFF Department AND SHERIFF Deputy. resides or works at
 (full name of first defendant)
9500 ETIWANDA AVE, Rancho Cucamonga, Ca 91739.
 (full address of first defendant)
West Valley Detention Center, San Bernardino County SHERIFFS Dept,
 (defendant's position and title, if any)
and SHERIFF Deputy

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

- SHERIFF Deputy AND SAN Bernardino County SHERIFF Department were
unprofessional on proper patting down procedures in which I was
sexually violated when he grabbed my penis and testicles.
 2. Defendant John McMahon resides or works at
 (full name of first defendant)
West Valley Detention Center, 9500 ETIWANDA AVE
RANCHO CUCAMONGA, California 91739
 (full address of first defendant)
Commander of San Bernardino County Sheriff Department.
 (defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

- FOR NOT Implementing proper, Screening, Training and procedures
OF SHERIFF Deputies which Leads to Sexual behavior Misconduct.
 3. Defendant SHERIFF Deputy (Name withheld do to Safety) resides or works at
 (full name of first defendant)
West Valley Detention Center, 9500 ETIWANDA AVE
RANCHO CUCAMONGA, California 91739.
 (full address of first defendant)
SHERIFF Deputy.
 (defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

- SHERIFF Deputy Sexually Violated Me by grabbing my
Penis AND Testicles,

4. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

5. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

D. CLAIMS*

CLAIM I

The following civil right has been violated:

The Following Civil Right THAT Has been Violated Falls under The Eighth Amendment "Excessive Force and Cruel and Unusual punishment." In which the Deputy Sexually Violated me by grabbing my Penis and Testicles For over 10 Seconds while patting me down during The Search. I Feel physically and Emotionally Abused.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

- ① FIRST FACT THAT IS IMPORTANT IS THE SHERIFF Deputy (disclosed NAME due to Fear of Retaliation.) grabbed My Penis and Testicles and pulled them while patting me down For over 10 Seconds. This to me is Sexual abuse or Harassment and is Inappropriate behavior For a SHERIFF Deputy and does NOT show ANY professionalism while employed by THE SAN BERNARDINO County SHERIFFS Department.
- ② Second FACT THAT IS IMPORTANT IS John McMahon, Commander of THE SAN BERNARDINO County SHERIFFS Department should be implementing a screening, Training and Monitoring program For SHERIFF Deputies To Follow proper procedures while Searching or patting down an Inmate during a SHAKEDOWN.
- ③ THIRD FACT IS THE SAME THING Happened to my Cellmate CHUCK Pennington.
- ④ Fourth FACT a Recorded Conversation with My Father, THE Following day explaining what THE Deputy SHERIFF did to Violate Me.
- ⑤ FIFTH FACT I Feel important is THAT There is a Video Recording during THE Search.

*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.

E. REQUEST FOR RELIEF

I believe that I am entitled to the following specific relief:

For being Sexually Violated physically and emotionally by a Sheriff Deputy which is Misconduct while employed by The San Bernardino County Sheriff Department. In which I ASK THE Honorable Judge Magistrate AND THE United States District Court Central District of California TO grant Relief OF \$750,000⁰⁰ Seven-Hundred FIFTY THOUSAND Dollars For punitive damage, Mental Anguish and physical/Emotional Sexual abuse by a San Bernardino County Sheriff Deputy. THANK You For Your time and patience.

12/7/2015
(Date)

Roberto E. Yonfes
(Signature of Plaintiff)

Roberto E. Fontes
1148 1309340122
West Valley Detention Center
9500 Erwin Ave
Rancho Cucamonga, CA
91739

CV

ATTENTION: Honorable Magistrate Judge
and pro se clerk
United States District Court
Central District of California
312 North Spring Street, Room G-8
Los Angeles, California
90012

